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THIRD CIRCUIT
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Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

DAVID W. SORENSON; SANDRA E.
SORENSON,

Plaintiff,

vs.

EAN HOLDINGS, LLC dba Enterprise Rent-
A-Car; JOHN DOES 1-10; JANE DOES 1-10;
DOE CORPORATIONS 1-10; DOE
PARTNERSHIPS 1-10; DOE NON-PROFIT
ENTITIES 1-10; and DOE
GOVERNMENTAL ENTITIES 1-10,

Defendants.

CIVIL NO. _____
(Motor Vehicle Tort)

COMPLAINT; SUMMONS

COMPLAINT

Plaintiffs DAVID SORENSON and SANDRA E. SORENSON (hereinafter

“Plaintiffs”), as and for their claims for relief, state as follows:

EXHIBIT A

COUNT I

1. At all times relevant herein, Plaintiffs were residents of White Bear Lake, Minnesota.

2. At all times relevant herein, Defendant EAN HOLDINGS, LLC dba ENTERPRISE RENT-A-CAR (hereinafter “Defendant EAN”) was and is a Delaware corporation that was duly registered to conduct business in the State of Hawai`i.

3. At all times relevant herein, Defendant EAN owned and/or operated and/or managed and/or controlled and/or maintained a rental car business that provided shuttle services to the Kona Airport, Kailua-Kona, County of Hawai`i, State of Hawai`i.

4. Defendants JOHN DOES 1-10, JANE DOES 1-10, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, DOE NON-PROFIT ENTITIES 1-10, and DOE GOVERNMENTAL ENTITIES 1-10 (hereinafter referred to as “Doe Defendants”) are persons, corporations, partnerships, business entities, non-profit entities, and/or governmental entities who acted in a negligent, wrongful or tortious manner which proximately caused or contributed to injuries and damages sustained by Plaintiffs. Plaintiffs have been unable to ascertain the names and identities of the above-named Doe Defendants from the investigation that has been conducted to date. Accordingly, Plaintiffs have sued the unidentified Doe Defendants herein with fictitious names pursuant to Rule 17(d) of the Hawai`i Rules of Civil Procedure, and Plaintiffs will substitute the true names, identities, capacities, acts and/or omissions of the Doe Defendants when the same are ascertained.

5. All of the acts and occurrences alleged herein took place within the City of Kailua-Kona, County of Hawai`i, State of Hawai`i.

6. On or about March 30, 2021, Plaintiff David Sorenson was a passenger on a shuttle bus operated by Arthur Hurdado, Jr. and owned by Defendant EAN. As the shuttle bus proceeded to the next stop at the airport to drop off passengers, the bus driver was not looking ahead, but instead looking at the passengers on the bus confirming their airlines for the drop-off. A child was crossing the roadway from the parking lot of the Kona Airport. The bus driver was alerted to the pedestrian by passengers on the bus. The driver had to stop suddenly because he was not paying attention to the roadway. Plaintiff David Sorenson was seated in a forward facing seat and flew down the aisle of the bus landing hard on his knees and sustained injuries as a result of the sudden stop of the bus.

7. The bus driver for Defendant EAN owed the general public, including Plaintiff David Sorenson, a duty to operate the shuttle bus in a safe and reasonable manner.

8. The bus driver for Defendant EAN breached his duty of care to the general public, including Plaintiff David Sorenson, by negligently operating the shuttle bus in an unsafe and careless manner.

9. As a direct and proximate result of the negligence of the bus driver for Defendant EAN, Plaintiff David Sorenson suffered severe and permanent injuries, incurred medical and rehabilitative expenses, and suffered mental and emotional distress.

10. At all material times herein, the bus driver was acting within the course and scope of his employment with Defendant EAN.

11. Defendant EAN is liable to Plaintiffs for damages aforesaid under the doctrine of *respondeat superior* for the actions and omissions of the bus driver.

COUNT II

12. Plaintiffs reallege and incorporate by reference all of the allegations contained in the Complaint as though fully set forth and repeated here.

13. As the direct and proximate result of Defendant EAN's negligence as described herein, Plaintiff SANDRA SORENSON, as the wife of Plaintiff DAVID SORENSON, suffered the loss of love, affection, solace, comfort, companionship, society and emotional support that Plaintiff DAVID SORENSON would have rendered except for the extent of his injuries.

14. As the direct and proximate result of Defendant EAN's negligence, as described herein, and as a result of Plaintiff DAVID SORENSON's injuries, Plaintiff SANDRA SORENSON suffered serious emotional distress.

COUNT III

15. Plaintiffs reallege and incorporate by reference the allegations contained in the preceding paragraphs as though fully set forth herein.

16. Doe Defendants are persons or entities whose wrongful acts and/or omissions in some way proximately caused or contributed to Plaintiffs injuries in ways presently unknown to Plaintiffs.

17. Doe Defendants are vicariously liable for the negligence of their agents and/or employees through the doctrine of *respondeat superior*.


WHEREFORE, Plaintiffs demand judgment against Defendant EAN, jointly and severally, for general and special damages in amounts that will be proven at trial, and for their costs, interest from the date of the incident, reasonable attorneys' fees, and such other relief as

the court deems just and proper. Plaintiffs contends that the amount of their damages as alleged herein falls within the jurisdictional requirements of this court.

DATED: Kailua-Kona, Hawai`i, February 16, 2022.

/s/ Ian Scott Mattoch

IAN SCOTT MATTOCH
DANIEL P. KIRLEY
Attorneys for Plaintiff

STATE OF HAWAII CIRCUIT COURT OF THE THIRD CIRCUIT	SUMMONS TO ANSWER CIVIL COMPLAINT	CASE NUMBER
PLAINTIFF DAVID W. SORENSON; SANDRA E. SORENSON	VS.	DEFENDANT(S) EAN HOLDINGS, LLC dba Enterprise Rent-A-Car; JOHN DOES 1-10; JANE DOES 1-10; DOE CORPORATIONS 1-10; DOE PARTNERSHIPS 1-10; DOE NON-PROFIT ENTITIES 1-10; and DOE GOVERNMENTAL ENTITIES 1-10
PLAINTIFF'S NAME & ADDRESS, TEL. NO. MATTOCH & KIRLEY, LLLC IAN SCOTT MATTOCH 7251-0 DANIEL P. KIRLEY 6205-0 1003 Bishop Street, Suite 890 Honolulu, Hawaii 96813 / PH: (808) 523-2451		
<p>TO THE ABOVE-NAMED DEFENDANT(S)</p> <p>You are hereby summoned and required to file with the court and serve upon</p> <p>MATTOCH & KIRLEY, LLLC</p> <hr/> <p>plaintiff's attorney, whose address is stated above, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.</p> <p>THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE GENERAL PUBLIC, UNLESS A JUDGE OF THE ABOVE-ENTITLED COURT PERMITS, IN WRITING ON THIS SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS.</p> <p>A FAILURE TO OBEY THIS SUMMONS MAY RESULT IN AN ENTRY OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DISOBEYING PERSON OR PARTY.</p>		
The original document is filed in the Judiciary's electronic case management system which is accessible via eCourt Kokua at: http://www.courts.state.hi.us	Effective Date of 28-Oct-2019 Signed by: /s/ Cheryl Salmo Clerk, 3rd Circuit, State of Hawai'i 	
<div data-bbox="100 1701 224 1816" data-label="Image"> </div> <div data-bbox="240 1701 1485 1816" data-label="Text"> <p>In accordance with the Americans with Disabilities Act, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Circuit Court Administration Office on HAWAII- Phone No. 808-961-7424, TTY 808-961-7422, FAX 808-961-7411, at least ten (10) working days prior to your hearing or appointment date.</p> </div>		